



PATENT  
Attorney Docket 054824-5001-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Katherine M. Burnett *et al.*

Application No. 10/722,134

Filed: November 26, 2003

For: Anhydrous Topical Skin Preparations

Group Art Unit: 1617

Examiner: Gregory Mitchell

**INFORMATION DISCLOSURE STATEMENT**

**UNDER 37 C.F.R. 1.97(c)**

Pursuant to 37 C.F.R. 1.56 and 1.97(c), Applicants brings to the attention of the Examiner the documents listed on the attached PTO-1449 forms. This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge before the mailing date of a Final Office Action or a Notice of Allowance in the above-referenced application. Under the provisions of 37 C.F.R. 1.97(c), a fee of \$180.00 as specified by 1.17(d) is required for the filing of this Information Disclosure Statement. The Commissioner is hereby authorized to charge **\$180.00** to Deposit Account No. 50-0310 for payment of the Information Disclosure Statement fee as set forth on the accompanying transmittal form.

The present application is a continuation application of U.S. Application 09/562,376 (filed May 1, 2000) which is a continuation-in-part application of U.S. Application 09/205,474 (filed December 4, 1998). The Examiner's attention is respectfully directed to the art of record in these prior applications and thus, no references are being submitted.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute prior art. If the Examiner applies any one of the documents as prior art against any claim in the application, and Applicants determine that the cited document does not constitute prior art under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due


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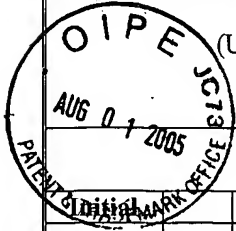
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under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **August 1, 2005**  
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## INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

PTO Form 1449

Attorney Docket 054824-5001-02

Application No. 10/722,134

Applicants: Katherine M. Burnett *et al.*

Page 1 of 2

Filing Date: November 26, 2003

Group Art Unit: 1617

## U.S. PATENT DOCUMENTS

	Document No.	Date	Name	Class	Sub-Class	Filing Date
aa	3,729,568	04/24/1873	Kligman	514	559	10/25/1967
ab	3,943,013	03/09/1976	Kennedy <i>et al.</i>	438	134	10/11/1973
ac	3,934,028	01/20/1976	Lee	514	560	04/22/1974
ad	4,214,000	07/22/1080	Papa	514	494	10/30/1978
ae	4,247,547	01/27/1981	Marks	514	179	03/19/1979
af	4,491,588	01/01/1985	Rosenburg <i>et al.</i>	514	254.07	03/17/1983
ag	4,492,162	01/08/1985	Nettesheim <i>et al.</i>	101	103	03/17/1983
ah	4,569,935	02/11/1986	Rosenberg <i>et al.</i>	514	254.07	12/09/1983
ai	4,782,059	11/01/1988	Gadebusch <i>et al.</i>	514	254.07	09/29/1986
aj	4,988,697	01/29/1991	Onishi	514	254.07	07/28/1989
ak	5,002,938	03/26/1991	Wang <i>et al.</i>	514	171	03/15/1989
al	5,061,700	10/29/1991	Dow <i>et al.</i>	514	169	11/16/1989
am	5,110,809	05/05/1992	Wang <i>et al.</i>	514	171	10/23/1990
an	5,140,018	08/18/1992	Klein <i>et al.</i>	514	63	05/07/1991
ao	5,208,015	05/04/1993	Shah <i>et al.</i>	424	78.05	07/23/1991
ap	5,231,087	07/27/1993	Thornfeldt	514	53	01/22/1992
aq	5,292,530	03/08/1994	McCrea <i>et al.</i>	424	66	10/04/1991
ar	5,310,545	05/10/1994	Eisen	424	49	01/15/1993
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at	5,407,663	04/18/1995	Eisen	424	49	04/04/1994
au	5,456,851	10/10/1995	Liu <i>et al.</i>	514	254.07	04/07/1994
av	5,545,652	08/13/1996	Itoh <i>et al.</i>	514	383	09/23/1994
aw	5,547,983	08/20/1996	Charpentier	514	535	08/22/1994
ax	5,583,136	12/10/1996	Yusuf <i>et al.</i>	514	254.07	01/18/1995
ay	5,871,764	02/16/1999	Diaz <i>et al.</i>	424	405	02/29/1996

## FOREIGN PATENT DOCUMENTS

	Document No.	Date	Country	Class	Sub-Class	Translation
az	EP 0416137 A1	03/13/1991	Europe			
ba	EP 0471872 A1	02/26/1992	Europe			
bb	EP 0729745 A1	09/04/1996	Europe			
bc	DE 2751391 A1	05/24/1978	Germany			
bd	WO 94/16710	08/04/1994	PCT			
be	WO 98/10742	03/19/1998	PCT			

Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>INFORMATION DISCLOSURE CITATION</b>  (Use several sheets if necessary)  <b>PTO Form 1449</b>		Attorney Docket <b>054824-5001-02</b>	Application No. <b>10/722,134</b>	
		Applicants: <b>Katherine M. Burnett <i>et al.</i></b>		<b>Page 2 of 2</b>
		Filing Date: <b>November 26, 2003</b>	Group Art Unit: <b>1617</b>	
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)</b>				
	bf	Abstract, "Antifungol®", No. 21 058, Rote Liste (1998)		
	bg	Abstract, "Aknemycin® /-2000", No. 32 006, Rote Liste (1998)		
	bh	Abstract, "Pedisafe®", (BASF Generics), No. 21 102, Rote Liste (1998)		
	bi	Abstract, "radola; beo Fißpilz", (Maurer), No. 21 204, Rote Liste (1998)		
	bj	English translation of Abstract, "Epi-Aberel®", Rp (Janssen-Cilag), No. 32 278, Rote Liste (1998)		
	bk	Abstract, "Aknin®-Winthrop Lösung", Rp (Sanoli Winthrop) No. 32 007, Rote Liste (1998).		
Examiner		Date Considered		
<b>Examiner:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.				